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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,102	03/16/2000	Yasuo Asakura	00CL-22 (3KH-00S0117)	2194

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EXAMINER

TILLERY, RASHAWN N

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/24/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/527,102

Applicant(s)

ASAKURA, YASUO

Examiner

Rashawn N Tillery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 8, 9-15, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fellegara et al (US6441854).

Regarding claims 1, 9, 10 and 20, Fellegara discloses an electronic still camera comprising:

a plurality of detectors which are provided respectively at different positions and which detect contact of a hand to make an image pickup operation (see col. 9, line 30; the examiner notes that Fellegara detects the user's contact to the shutter button, removal of the lens cover and opening/closing of the film cartridge door; and thus the "plurality of detectors" are the actuation of the shutter button, the removal of the lens

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cover and the opening/closing of the film cartridge door; the examiner acknowledges the differences in the prior art and Applicant's invention as it is described in the specification; however, Applicant's claim language is currently written broadly enough where a broad interpretation of the prior art reference could be read on it; examiner further notes that Applicant's claim language is written in the alternative; and thus the examiner elected to omit the "approach of a hand" limitation);

a mode setup unit which sets up a standby mode in which a predetermined power and/or driving pulse is supplied to an image pickup device, capable of commencing an image pickup operation immediately in response to a release instruction (see col. 10, lines 37-58); and

an image pickup controller which controls a preliminary operation for image pickup if a first condition wherein the standby mode is set by the mode setup unit and the image pickup operation is allowed to be commenced immediately in response to the release instruction, and a second condition wherein all of the plurality of detectors detect the contact or approach, are both satisfied (see col. 11, lines 43-60; the examiner notes that even though Fellegara describes only one condition- shutter release- for initiating pre-exposure operations, it is inherent that the other conditions- opening of the lens cover and closing of the cartridge door- be met as well).

Regarding claim 2, Fellegara discloses mode holding means using a non-volatile memory, which holds a setup state of the standby mode set by the mode setup unit even during a power-off period (see col. 10, lines 53-58).

Regarding claim 3, Fellegara discloses a mode release unit which releases the standby mode when the standby mode is set by the mode setup unit and a period in which at least one of the plurality of detectors does not detect the contact or approach of a hand reaches a predetermined time (see the Abstract).

Regarding claim 4, Fellegara discloses an operation controller which renders a part of the plurality of detectors operational, when the standby mode is set by the mode setup unit and a period in which at least one of the plurality of detectors does not detect the contact or approach of a hand reaches a predetermined time (the examiner notes that in Fellegara's standby mode, if the lens cover is off and the film cartridge door is closed, the shutter button could be interpreted as "a part of the plurality of detectors operational").

Regarding claim 5, Fellegara discloses that the plurality of detectors are provided at least at a grip part (the examiner notes that the lens cover is a "grip part" of the camera) and a release button part of a camera body (see col. 9, line 30).

Regarding claims 7 and 18, Fellegara discloses an electronic still camera comprising:

- a detector which is provided near a release button and detects contact or approach of a hand to make an image pickup operation (see claim 1 above);

- a main power switch which switches on and off a power source of the camera (inherent feature); and

- an image pickup controller which executes a preliminary operation for image pickup if a first condition wherein the power switch is set on and a second condition

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wherein the detector detects the contact or approach of a hand are both satisfied (see claim 1 above).

Regarding claim 8, Fellegara discloses, in figure 1, the preliminary operation includes at least electric conducting to an image pickup device (10; the examiner notes that Applicant does not specifically claim that the power is for driving the CCD).

Regarding claim 11, Fellegara discloses the preliminary operation is executed if all the plurality of detectors detect the contact or approach of a hand (the examiner notes that even though Fellegara describes only one condition- shutter release- for initiating pre-exposure operations, it is inherent that the other conditions- opening of the lens cover and closing of the cartridge door- be met as well).

Regarding claim 12, the examiner notes that a "part" of the plurality of detectors could also be "another part" of the plurality of detectors since Applicant does not distinguish one detector from a second or third.

Regarding claim 13, see claim 5 above.

Regarding claim 14, see claim 2 above.

Regarding claim 15, see claim 4 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al.

Regarding claims 6, 16 and 19, Fellegara discloses the preliminary operation includes at least automatic exposure and automatic focus adjustment (see col. 11, line 43). Fellegara does not expressly disclose automatic white balance adjustment. Official Notice is taken that it is well known in the camera art to perform white balance adjustment during pre-processing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include white balance adjustment in the pre-processing operation so that a more adequate picture could be attained.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Toratani teaches a camera with a power saving mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

RNT


WENDY R. GARBER
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